

1 [COUNSEL LISTED ON SIGNATURE PAGES]

2
3 UNITED STATES DISTRICT COURT
4 NORTHERN DISTRICT OF CALIFORNIA
5 OAKLAND DIVISION

6 WILLIAM GRECIA,
7
8 Plaintiff,
9
10 v.
11 DISH NETWORK L.L.C.,
12
13 Defendant.

Case No. 4:16-cv-00588-YGR
[Lead Case]

**JOINT STATEMENT AND STIPULATION
ON STAY OF CASE**

Hon. Yvonne Gonzalez Rogers

11 WILLIAM GRECIA,
12
13 Plaintiff,
14
15 v.
16 ADOBE SYSTEMS INCORPORATED,
17
18 Defendant.

Case No. 4:16-cv-06283-YGR

17 WILLIAM GRECIA,
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19 Plaintiff,
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21 v.
22 TARGET CORPORATION,
23
24 Defendant.

Case No. 4:17-cv-00323-YGR

23 Plaintiff William Grecia (“Grecia”) and Defendants DISH Network L.L.C. (“DISH”),
24 Adobe Systems Incorporated (“Adobe”), and Target Corporation (“Target”), pursuant to the
25 Court’s Orders of February 23, 2017, March 6, 2017, and March 8, 2017 (in the *DISH*, *Adobe*,
26 and *Target* cases respectively), by and through their respective counsel of record, hereby provide
27 the following joint statement informing the Court of the status of related cases pending before
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1 Judge Richard J. Sullivan in the Southern District of New York. Those cases are: *Grecia v.*
2 *MasterCard Inc.*, 15-cv-9059; *Grecia v. Visa Inc.*, 15-cv-9210 (collectively, the “Credit Card
3 Actions”); *Grecia v. Samsung Electronics America*, 16-cv-9691 (the “Samsung Action”); and
4 *Grecia v. 1-800-Flowers.com, Inc.*, 16-cv-7022; *Grecia v. BestBuy.com, LLC*, 16-cv-7024;
5 *Grecia v. J Crew Group, Inc.*, 16-cv-7025; and *Grecia v. Adorama Camera, Inc.*, 16-cv-7111
6 (these four, collectively, the “Retailer Actions”).¹ This joint statement and stipulation will be
7 submitted in the *DISH*, *Adobe*, and *Target* cases.

8 By the Court Orders referenced above, this Court stayed the captioned cases pending the
9 issuance of a claim construction order by Judge Sullivan in the Credit Card Actions.² (D.I. 52, 33,
10 and 41.)

11 On April 3, 2017, Judge Sullivan lifted a stay of the Credit Card Actions and the Samsung
12 Action and ordered the parties thereto to submit a case management plan. On April 12, 2017,
13 Judge Sullivan entered a case management plan in those cases which *inter alia* set dates for claim
14 construction exchanges and briefing through November 28, with a hearing to follow at the court’s
15 convenience. (S.D.N.Y. Case No. 15-cv-9059, D.I. 48 at 6.) The parties in the Credit Card
16 Actions and the Samsung Action are engaged in the claim construction process and have
17 exchanged proposed constructions. (S.D.N.Y. Case No. 15-cv-9059, D.I. 60 at 2.) The Retailer
18 Actions remain stayed pending the issuance of Judge Sullivan’s claim construction order and no
19 substantive events have transpired therein since this Court’s February/March, 2017 orders.

20 In light of the foregoing, Grecia and Defendants ask on stipulation that this Court continue
21 its stay of these actions pending Judge Sullivan’s claim construction order and reset the

22 ¹ Since the Court’s March 6, 2017 order, two related cases once pending before Judge Sullivan
23 have been dismissed: *Grecia v. American Express Co.*, 15-cv-9217 (settled on February 26,
24 2017); and *Grecia v. Neiman Marcus Group, Inc.*, 16-cv-7026 (settled on April 22, 2017).

25 ² Adobe did not, however, agree to be bound by Judge Sullivan’s claim construction order. (D.I.
26 33 at 2.) The stay in the Target case (4:17-cv-00323) was not the result of a stipulated request but
27 of Target’s motion. (Dkt. No. 25). DISH and Target have not agreed to be bound by Judge
28 Sullivan’s claim construction order either. The Defendants reserve their rights to raise their
requests to stay the cases beyond the issuance of Judge Sullivan’s claim construction order as
appropriate.

1 compliance hearing scheduled for Friday, September 15, 2017 to Friday, January 15, 2018. The
2 parties will file another joint statement informing the Court of the status of the cases pending
3 before Judge Sullivan no later than January 12, 2018.

4 Dated: September 8, 2017

Respectfully Submitted,

5 /s/ Matthew M. Wawrzyn

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PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: September 12, 2017


DISTRICT JUDGE YVONNE GONZALEZ ROGERS

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ATTESTATION FOR SIGNATURE

Pursuant to Civil L.R. 5-1(i)(3) regarding signatures, I attest under penalty of perjury that concurrence in the filing of this document has been obtained from the other signatories.

Dated: September 8, 2017

/s/ Matthew M. Wawrzyn
Matthew M. Wawrzyn